

REMARKS

This amendment responds to the Office action issued November 23, 2005, which rejected all pending claims (8-18) under 102/103. The rejections of claims 8-17 were all based on a reference (Golds) with an effective date of May 20, 1999. The Office action also stated that the evidence that Applicant had submitted (the inventor's declaration with attached documents) was insufficient to establish a conception of the invention prior to May 20, 1999. The Office action also pointed out that proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose.


In response, Applicant submits that he conceived and actually reduced to practice the claimed invention prior to May 20, 1999. Applicant is submitting with this amendment a declaration under 37 CFR §1.131 with greater detail about his conception and reduction to practice. Dr. Heuser's declaration also points out in greater detail how his invention prior to May 20, 1999 is evidenced by the attached documents and how the stents that were constructed and used before that date actually worked for their intended purpose. Thus Golds is not prior art under §102. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejections of claims 8-17.

Applicant has withdrawn claim 18 without prejudice.

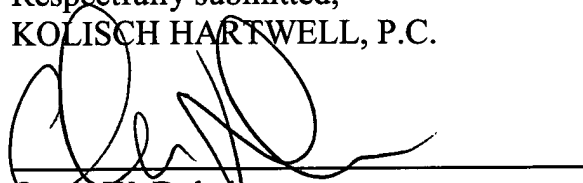
If there are any questions or remaining issues, the Examiner is urged to contact the undersigned attorney by telephone.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 23, 2006.


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Respectfully submitted,
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